

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

November 28, 2005

- C041257 THE PEOPLE v. ALEXANDER (Not for Publication)**
Our prior opinion in this cause is vacated... The clerk of the superior court is directed to prepare a corrected abstract of judgment and to forward it to the Department of Corrections and Rehabilitation.
BLEASE, Acting P.J.
We Concur: Sims, J.
 Nicholson, J.
- C043361 THE PEOPLE v. DICKEY-O'BRIEN (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We Concur: Sims, Acting P.J.
 Hull, J.
- C047885 THE PEOPLE v. SWANSON, JR. (Not for Publication)**
The judgment (order modifying probation) is affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
 Robie, J.
- C048160 THE PEOPLE v. LAWSON (Not for Publication)**
The order directing defendant to pay \$2,400 in attorney fees pursuant to Penal Code section 987.8 is hereby stricken... As modified, the judgment is affirmed.
BLEASE, J.
We Concur: Scotland, P.J.
 Robie, J.
- C048168 THE PEOPLE v. MAUI (Not for Publication)**
Defendant's conviction for battery with serious bodily injury... is reversed. The trial court is directed to amend the abstract of judgment accordingly and to forward a certified copy to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.
BUTZ, J.
We Concur: Blease, Acting P.J.
 Raye, J.

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The Minutes

November 28, 2005, continued

- C049841 THE PEOPLE v. BAILEY (Not for Publication)**
The restitution order is affirmed.
BUTZ, J.
We Concur: Blease, Acting P.J.
Davis, J.
- C044474 EL DORADO COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES v.
FLUCKIGER (Not for Publication)**
The judgment is reversed... The parties shall bear their own costs on
appeal...
SCOTLAND, P.J.
We Concur: Sims, J.
Robie, J.
- C049093 JENNINGS v. COX (Not for Publication)**
The judgment (order) is affirmed.
BUTZ, J.
We Concur: Sims, Acting P.J.
Raye, J.
- C049882 In re LUCAS F.; THE PEOPLE v. LUCAS F. (Not for Publication)**
The matter is remanded to the juvenile court...
BUTZ, J.
We Concur: Sims, Acting P.J.
Raye, J.
- C050271 In re D.W.; SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY v. M.B. (Not for Publication)**
The order denying the petition for modification and termination of
appellant's parental rights are affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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The Minutes

November 28, 2005, continued

C047923 SAVILLE v. SIERRA COLLEGE et al. (CERTIFIED FOR PUBLICATION)

THE COURT:

It is ordered that the opinion filed herein on October 16, 2005, and the modified opinion filed herein on October 31, 2005, be modified...

... This modification does not change the order.

The petition for rehearing is denied. (Certified for Publication)

THE COURT:

DAVIS, Acting P.J.

NICHOLSON, J.

HULL, J.

November 29, 2005

C045977 THE PEOPLE v. HERNANDEZ (Not for Publication)

The judgment is affirmed.

RAYE, J.

I concur: Butz, J.

I concur in parts II through IV, inclusive, of the majority opinion.

I also concur with the conclusion, in part I, that defendant has forfeited his claim...

... I respectfully dissent from the majority's conclusion that the defendant did not receive ineffective assistance of counsel in the trial court...

SIMS, Acting P.J.

C047056 THE PEOPLE v. PEOPLES (Not for Publication)

The order striking two of defendant's three prior felony convictions is reversed... In all other respects, the judgment is affirmed.

NICHOLSON, J.

We Concur: Blease, Acting P.J.

Cantil-Sakauye, J.

C045865 HINESLEY v. OAKSHADE TOWN CENTER (Not for Publication)

The judgment is affirmed. Costs on appeal are awarded to respondent. (Cal. Rules of Court, rule 27(a).)

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.

Nicholson, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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The Minutes

November 30, 2005

- C045686 THE PEOPLE v. GORE (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C046494 THE PEOPLE v. HENDERSON (Not for Publication)**
The trial court is directed to amend the abstract of judgment... and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. As amended, the judgment is affirmed.
BUTZ, J.
We Concur: Morrison, Acting P.J.
Cantil-Sakauye, J.
- C047809 THE PEOPLE v. DE LA CRUZ (Not for Publication)**
The judgment is affirmed.
BLEASE, J.
We Concur: Scotland, P. J.
Robie, J.
- C048496 THE PEOPLE v. NELSON (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.
- C048707 THE PEOPLE v. HARRISSON (CERTIFIED FOR PUBLICATION)**
The judgment is affirmed.
RAYE, J.
We Concur: Sims, Acting P.J.
Butz, J.
- C049258 THE PEOPLE v. SKOW (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Sims, Acting P.J.
Hull, J.
- C049925 THE PEOPLE v. SIGUR (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.

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The Minutes

November 30, 2005, continued

- C050182 THE PEOPLE v. PINNICK, JR. (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Nicholson, Acting P.J.
Robie, J.
- C039428 THE PEOPLE ex rel. DEPARTMENT OF CONSERVATION et al. v. EL
DORADO COUNTY et al. and BRUNIUS and CALIFORNIA MINING
ASSOCIATION et al. (Not for Publication)**
The judgment, including the award of attorney fees, is reversed...
MORRISON, J.
We Concur: Scotland, P.J.
Sims, J.
- C045754 WILD GOOSE STORAGE, INC. v. ROSEVILLE LAND DEVELOPMENT
ASSOCIATION (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
Nicholson, J.
- C046802 SPOTH v. SILTANEN and PC-DOCTOR, INC. (Not for Publication)**
The judgment is affirmed. Spoth is awarded her costs on appeal.
HULL, J.
We Concur: Blease, Acting P.J.
Morrison, J.
- C048326 NADEAU v. CHASE (Not for Publication)**
The judgment is reversed with directions to the trial court to vacate its
ruling granting defendant's motion in limine with respect to the 1994 surgery.
Plaintiff is awarded costs of appeal.
DAVIS, Acting P.J.
We Concur: Raye, J.
Hull, J.
- C047010 In re PETER H.; THE PEOPLE v. PETER H. (Not for Publication)**
The juvenile court's finding that the minor's offense is gang related within
the meaning of Penal Code section 186.30 is reversed... In all other respects,
the court's orders are affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
Morrison, J.

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The Minutes

November 30, 2005, continued

**C047606 In re GAVYELLE M.; SACRAMENTO COUTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. GABRIEL M. et al.**

(Not for Publication)

...Accordingly, the orders appealed from in case No. C047606 are affirmed.

RAYE, Acting P.J.

HULL, J.

ROBIE, J.

**C049575 In re DAVID M.; SHASTA COUNTY DEPARTMENT OF SOCIAL SERVICES v.
T.M.**

(Not for Publication)

The order terminating appellant's parental rights is affirmed.

SCOTLAND, P.J.

We Concur: Robie, J.

Cantil-Sakauye, J.

**C047847 THE PEOPLE v. MARTINEZ
BY THE COURT:**

Appellant's petition for rehearing is denied.

SCOTLAND, P.J.

**C050438 LEE T. et al. v. THE SUPERIOR COURT OF PLACER COUNTY and PLACER
COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION et al.**

(Not for Publication)

The petition for extraordinary writ is granted as to the claim of failure to provide notice in compliance with the Indian Child Welfare Act and denied as to the remaining issues...

SIMS, Acting P.J.

We Concur: Davis, J.

Hull, J.

**COURT OF APPEAL
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The Minutes

December 1, 2005

**IN THE
Court of Appeal of the State of California
IN AND FOR THE
THIRD APPELLATE DISTRICT**

**Special Calendar for Admission of Attorneys
Court of Appeal, Third Appellate District
914 Capitol Mall
Sacramento**

Thursday, December 1, 2005, 10:00 A.M.

HON. Vance W. Raye
HON. M. Kathleen Butz
HON. Tani Cantil-Sakauye

Acting Presiding Justice
Associate Justice
Associate Justice

Mr. Norman Harebottle
Ms. Kathi Rutherford
Ms. Reggie Rios

Assistant Clerk/Administrator
Assistant Deputy Clerk III
Bailiff

Seating of State and local Bar representatives.

Court called to order by Ms. Reggie Rios.

Acting Presiding Justice Vance W. Raye welcomes admittees and introduces speakers.

Ms. Ruthe C. Ashley, representing the Committee of Bar Examiners of the California State Bar and also representing the Board of Governors of the California State Bar, speaks to admittees and presents motion for admission..

Mr. W. Stuart Home III, President of the Sacramento County Bar Association, speaks to admittees.

Associate Justice M. Kathleen Butz speaks to admittees.

Associate Justice Tani Cantil-Sakauye speaks to admittees and reads from Section 6068 of the Business and Professions Code.

Acting Presiding Justice Vance W. Raye speaks to admittees, rules on motion for admission, and directs clerk to administer oath.

**COURT OF APPEAL
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The Minutes

December 1, 2005, continued

Oath administered by Mr. Norman Harebottle, Assistant Clerk/Administrator.

Post admission announcement.

Court adjourns.

C050079 THE PEOPLE v. JOHNSON (Not for Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We Concur: Raye, J.
 Butz, J.

C048635 MOSELEY v. GILFILLIAN (Not for Publication)

The judgment is reversed. Plaintiff shall recover her costs on appeal.
(Cal. Rules of Court, rule 27(a)(1).)

DAVIS, J.

We Concur: Scotland, P.J.
 Sims, J.

December 2, 2005

C046420 THE PEOPLE v. BALDACCHINO (Not for Publication)

The judgment is affirmed.

HULL, J.

We Concur: Morrison, Acting P.J.
 Robie, J.

C047579 THE PEOPLE v. PANG (Not for Publication)

The one-year enhancement for use of a deadly weapon, pursuant to
Penal Code section 12022, subdivision (b) (1) is stricken. As modified, the
judgment is affirmed...

NICHOLSON, J.

We Concur: Scotland, P.J.
 Cantil-Sakauye, J.

C048193 THE PEOPLE v. MCMILLEN (Not for Publication)

The judgment is modified... As modified, the judgment is affirmed.

NICHOLSON, Acting P.J.

We Concur: Raye, J.
 Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

December 2, 2005, continued

- C049637 THE PEOPLE v. SNYDER (Not for Publication)**
The judgment is modified... In all other respects, the judgment is affirmed.
The trial court is directed to prepare an amended abstract of judgment reflecting
the modifications and forward it to the Department of Corrections and
Rehabilitation.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Robie, J.
- C049877 THE PEOPLE v. CRYE (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed...
NICHOLSON, Acting P.J.
We Concur: Hull, J.
Robie, J.
- C047579 THE PEOPLE v. PANG**
BY THE COURT:
Appellant's petition for rehearing is granted. The decision filed on
November 3, 2005, is vacated.
SCOTLAND, P.J.